

AMENDED IN SENATE AUGUST 12, 2013

AMENDED IN SENATE JUNE 18, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY MAY 7, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1171

Introduced by Assembly Member Levine

February 22, 2013

An act to add and repeal Section 16521.6 of the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1171, as amended, Levine. Child welfare services: electronic records.

Existing law requires a foster care provider, in consultation with the county case manager, to be responsible for ensuring that a foster youth or nonminor dependent is provided with appropriate referrals to health services when the foster youth either reaches 18 years of age or the nonminor dependent exits foster care, and to the extent county and state resources are provided.

This bill would ~~require~~, *authorize*, no later than July 1, 2014, ~~that the State Department of Social Services~~ *a county to develop and implement and oversee* a voluntary ~~3-county~~ pilot program to provide a foster youth, 16 years of age or older, or a nonminor dependent, as defined, upon his or her request, or upon his or her ~~transition~~ *emancipation* from, *or termination of*, dependency or probation, the opportunity to create his or her own singular online electronic record of necessary information

and documents, including, but not limited to, medical or health records, a copy of his or her certified birth certificate, and a copy of his or her social security card, to assist him or her in the transition to adulthood. The bill would authorize the ~~department~~, *pilot program to be developed and implemented only if there are 3 or more participating counties and would authorize the participating counties*, in order to reduce costs, to use existing online electronic systems for purposes of the pilot program. The bill would require the online electronic record to allow the foster youth or nonminor dependent to view, download, upload, and transmit the information and documents. The bill would require a social worker or other representative of the county welfare department, or a probation officer or other representative of the probation department, as appropriate, or another authorized representative as designated by the county or the court to assist the foster youth or nonminor dependent with establishing the electronic record and obtaining the information and electronic copies of the documents.

This bill would require the ~~department, in coordination with the 3 participating counties~~, *in consultation with the State Department of Social Services*, to submit a report to the Assembly and Senate Human Services Committees no later than December 1, 2016, evaluating the pilot program and providing recommendations as to whether it should be extended, expanded, or made permanent.

The bill's provisions would be implemented only if the Director of Finance makes a written determination that there are sufficient funds available from sources other than the General Fund for this purpose. The bill's provisions would become inoperative on January 1, 2018, and would be repealed as of January 1, 2019.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 16521.6 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 16521.6. (a) No later than July 1, 2014, ~~the department shall~~
- 4 *a county may develop and implement and oversee* a voluntary
- 5 ~~three-county~~ pilot program for a period of three years to provide
- 6 a foster youth, who is 16 years of age or older, or a nonminor
- 7 dependent, as defined in subdivision (v) of Section 11400, upon
- 8 his or her request, or upon his or her ~~transition~~ *emancipation* from,

1 *or termination of*, dependency or probation, the opportunity to
2 create his or her own singular online electronic record containing
3 necessary information and documents for purposes of assisting the
4 foster youth or nonminor dependent in creating, maintaining,
5 managing, and having access to that information and those
6 documents and to assist in his or her transition to adulthood. *The*
7 *department shall determine which counties are authorized to*
8 *participate in the pilot program to ensure that those counties*
9 *represent the socioeconomic and geographic diversity of the state.*
10 *The pilot program may be developed and implemented only if there*
11 *are three or more counties participating in the pilot program. In*
12 *order to reduce costs, the participating counties, in consultation*
13 *with the department,* may use existing online electronic
14 systems for purposes of the pilot program.

15 (b) The online electronic record shall allow the foster youth or
16 nonminor dependent to view, download, upload, and transmit, as
17 appropriate, necessary information and documents.

18 (c) A social worker or other representative of the county welfare
19 department, or a probation officer or other representative of the
20 probation department, as appropriate, or another authorized
21 representative as designated by the county or the court shall assist
22 the foster youth or nonminor dependent with establishing the
23 electronic record and obtaining information and electronic copies
24 of his or her documents for the purposes of this pilot program, and
25 training the *foster* youth or *nonminor* dependent in the use,
26 maintenance, and protection of the record.

27 (d) Documents and information included in the online electronic
28 record shall include, but are not limited to, all of the following:

29 (1) Medical or health records, including up-to-date health
30 records that include, but are not limited to, diagnoses, allergies,
31 test results, immunizations, and medications as permitted by the
32 Health Insurance Portability and Accountability Act of 1996
33 (Public Law 104-191).

34 (2) Copy of his or her certified birth certificate.

35 (3) Copy of his or her social security card.

36 (4) Letter proving the foster youth or nonminor dependent was
37 a ward or dependent of the court.

38 (5) Special immigrant juvenile status, if applicable.

39 (6) Educational records, as permitted by state pupil privacy laws
40 and the federal Family Educational Rights and Privacy Act of 1974

1 (20 U.S.C. Sec. 1232g), which shall include a copy of his or her
2 official high school transcript and high school diploma or high
3 school equivalency certificate, if applicable.

4 (7) Copy of his or her driver's license, as described in Section
5 12500 of the Vehicle Code, or identification card, as described in
6 Section 13000 of the Vehicle Code.

7 (8) Background and contact information of siblings and other
8 family members, as appropriate, and as permitted by court order
9 pursuant to federal and state law.

10 (9) Application to seal juvenile court records.

11 (10) Copy of his or her transitional independent living case plan,
12 if applicable.

13 (11) Any additional records as determined necessary by *the*
14 *participating counties, in consultation with* the director.

15 (e) Access to the electronic record shall be limited to the foster
16 youth or nonminor dependent and any individual whom he or she
17 authorizes to access the record.

18 (f) Any necessary efforts to provide for the security of the
19 electronic record, including online security protocols, shall be
20 taken to protect the privacy of the foster youth or nonminor
21 dependent as determined by *the participating counties, in*
22 *consultation with* the director.

23 (g) *The department, in consultation with the Office of Systems*
24 *Integration, the California Child Welfare Council, and other*
25 *appropriate state agencies, shall seek guidance on interagency*
26 *protocols, technical specifications, and information in order to*
27 *assist the counties as they establish electronic records.*

28 ~~(g)~~

29 (h) (1) *The participating counties, in consultation with the*
30 *department, in coordination with the three participating counties,*
31 *shall submit a report to the Assembly and Senate Human Services*
32 *Committees no later than December 1, 2016, evaluating the pilot*
33 *program and providing recommendations as to whether it should*
34 *be extended, expanded, or made permanent.*

35 (2) The requirement for submitting a report imposed under this
36 subdivision is inoperative on January 1, 2018, pursuant to Section
37 10231.5 of the Government Code.

38 ~~(h)~~

39 (i) This section shall be implemented only if the Director of
40 Finance makes a written determination that there are sufficient

1 funds available from sources other than the General Fund for this
2 purpose.

3 ~~(i)~~

4 (j) This section shall become inoperative on January 1, 2018,
5 and, as of January 1, 2019, is repealed, unless a later enacted
6 statute, that becomes operative on or before January 1, 2019,
7 deletes or extends the dates on which it becomes inoperative and
8 is repealed.

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